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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/645,961

08/22/2003

David M. Cooley

Cooley 2

8402

7590

04/18/2007

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EXAMINER

CHO, HONG SOL

ART UNIT

PAPER NUMBER

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/645,961

Applicant(s)

COOLEY, DAVID M.

Examiner

Hong Cho

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. Drawings 1 and 2 are objected to because drawings are not provided with descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1, 2, 9, 11, 12 and 29 are objected to because of the following informality:

Re claims 1, 2, 9, 11, 12 and 29, "said one or more connection nodes" should read - - said one or more wireless connection nodes".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Gebis et al (US 6993290), hereinafter referred to as Gebis.

Re claims 1 and 11, Gebis discloses wirelessly providing access to specialized content by a user over the Internet (column 1, line 1 to column 2, line 3). Gebis discloses a system comprising a portable personal radio (PPR) (*a user*, figure 1, element 12), a PPR server (*wireless connection nodes*, figure 1, element 14) and the wireless communication link between the two (*wirelessly providing, over the Internet, access to specialized content by a user, providing one or more wireless connection nodes in a receiving area; delivering to said one or more connection nodes only content selected by an operator of*

said one or more wireless connection nodes, and transmitting said delivered content via said one or more connection nodes, column 2, lines 24-32).

Re claims 2 and 12, Gebis discloses receiving content from the server (*receiving said transmitted delivered content with a receiver configured to receive content transmitted via said one or more connection nodes, column 2, lines 3-7).*

Re claims 3 and 13, Gebis discloses receiving a single stream of content over the wireless link (*transmitting the delivered content over a single channel, column 2, lines 63-66*) and combining information from different sources by channel maxing (*subdividing the single channel so that plural content elements are provided on plural stations within the single channel, column 3, lines 39-45).*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-10 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebis in view of Schmidt (US 4765753).

Re claims 4 and 14, Gebis discloses receiving a single stream of content pertaining to user's interest (*separately tuning to each of plural stations*, column 2, lines 1-4), but fails to transmit a unique spreading code for each of plural stations, receive the unique spreading codes, select one of plural stations to play to play the delivered content by using unique spreading codes associated with the selected one of plural stations. Schmidt discloses separating message channels with different sets of code words and receiving information necessary for accessing channels by using spread codes (column 2, lines 11-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Gebis to implement the feature of sending a unique spreading code for each station so that only a user with proper spreading codes would access personalized information channels.

Re claims 5-7 and 15-17, Gebis discloses getting traffic report of commute route (*delivering content that is local to the proximity of the connection nodes and particular content type*, column 2, lines 3-6).

Re claims 8 and 18, Gebis discloses receiving content that pertains only to the user's personal interests (*reception of only the delivered content*, column 2, lines 43-45).

Re claims 9 and 19, Gebis discloses a PPR client establishing communication with a PPR server (*sending an uplink signal from a receiver to one or more connection nodes to enable the user to communicate with the one or more connection nodes*, column 2, lines 37-38).

Re claims 10 and 20, Gebis discloses a PPR server receiving a subscription from a PPR client and providing information only pertaining to the client (*configuring said*

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wireless connection nodes to receive said uplink signal and, based upon said signal, perform a function desired to be performed by said user, column 2, lines 51-57).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087.

The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc
Hong Cho
Patent Examiner
4/12/07